

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4935 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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K C KATARIA

Versus

STATE OF GUJARAT

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Appearance:

MR JS RAVAL for MR PK JANI for Petitioner  
MR NN PANDYA for respondents.

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/07/96

ORAL JUDGEMENT

1. This writ petition is wholly misconceived. The petitioner is praying to give her the seniority in the cadre of Insurance Medical Officer, Class II with effect from 3rd October, 1972. The further prayer has been made that the respondent may be directed to treat the petitioner to have been appointed from 3rd October, 1972 and to give her all the consequential benefits. On the basis of this prayer, the petitioner is also claiming for the promotion from the deemed date when her juniors had

been promoted.

2. In para no.2.6 the petitioner has stated that the seniority list of the employees working as Insurance Medical Officer, Class II was circulated first time on 2-5-1983 in which the petitioner was shown at serial no.70. In the said seniority list, the date of the appointment of the petitioner has been shown to be 12th August, 1974. This seniority list has not been produced by the petitioner.

3. In para no 2.7, the petitioner has come up with a case that several persons junior to him, though he has not named these junior persons, have been given promotion. The further reference has been made that the person who is at serial no.101 has also been promoted.

4. If the case of the petitioner is allowed and the relief as prayed in this Sp. Civil Application is given then she will become senior to many persons who have not been impleaded as a party. Similarly, in case, if the prayer of the petitioner regarding giving her the promotion from the deemed date is allowed then the persons who have been promoted will be affected, and the seniority of next higher post will also be affected which will result in the loss of their future service conditions. In the absence of the seniority list, and the persons above whom the petitioner prays for seniority, and in the absence of the order of the promotion of the persons junior to the petitioner, this writ petition cannot be entertained. It is settled law that behind the back of the persons whose seniority is likely to be affected, the seniority inter-se as fixed should not be interfered. In the result, this Sp. Civil Application fails and the same is dismissed. Rule discharged.

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